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AD HOC GROUP ON ARTICLE 13
Third session
Geneva, 16-18 December 1996

REPORT OF THE AD HOC GROUP ON ARTICLE 13 ON THE WORK OF ITS THIRD SESSION, HELD AT GENEVA FROM 16 TO 18 DECEMBER 1996

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I. OPENING OF THE SESSION
(Agenda item 1)

1. The third session of the Ad Hoc Group on Article 13 (hereinafter referred to as "the AG13") was held at the Palais des Nations, Geneva, from 16 to 18 December 1996.

2. The Chairman of the AG13, Mr. Patrick Szell, opened the session on 16 December 1996. In welcoming the participants, he observed that the AG13 had now completed the first year of its work which had largely been of a preparatory nature. The Chairman recalled the numerous inputs into the AG13 process, including the responses to the questionnaire on the establishment of a multilateral consultative process, the synthesis of those responses and the panel presentation held at the second session. He also noted that the AG13 had received a mandate from the Conference of the Parties (COP) at its second session to continue the work of the Group, which could, if necessary, extend beyond the third session of the COP. In noting the potential link between the work of the AG13 and that of the Ad Hoc Group on the Berlin Mandate (AGBM), the Chairman observed that one of the main challenges facing the AG13 would be deciding on the character of the regime. In concluding, the Chairman reminded the Parties that they were now embarking on the important phase of substantive deliberations.

II. ORGANIZATIONAL MATTERS
(Agenda item 2)

A. Adoption of the agenda
(Agenda item 2 (a))

3. The AG13, at its first meeting, on 16 December, adopted the following agenda:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Election of officers other than the Chairman;
   (c) Organization of the work of the session;
   (d) Organization of the work of future sessions.

3. Discussion on proposals by Parties:

   (a) Scope of the proposed mechanism;
   (b) Elements of the procedure.

4. Report on the session.

B. Election of officers other than the Chairman
(Agenda item 2 (b))

4. At the 1st meeting of the AG13, the Chairman informed the Group that as a result of the consultations of the President of the Conference of the Parties with regard to the election of officers other than the Chairman, an agreement had been reached. Mr. Victor Chub (Uzbekistan) had been nominated Vice-Chairman and Mr. Andrej Kranjc (Slovenia) had been nominated Rapporteur. The AG13 elected these officers and the Chairman congratulated them on behalf of the Group.

C. Organization of the work of the session
(Agenda item 2 (c))

5. At the 1st meeting, on 16 December, the Chairman recalled that services would be available for one morning and one afternoon meeting each day with interpretation from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. The AG13 agreed to proceed on the basis of the proposed schedule of work contained in document FCCC/AG13/1996/3, annex II.

6. The AG13 agreed to admit new applicant intergovernmental and non-governmental organizations that had been screened by the secretariat, on the basis of the provisions of Article 7.6 of the Convention, without prejudice to subsequent action by the Conference of the Parties.

D. Organization of the work of future sessions
(Agenda item 2 (d))

7. At the 1st meeting, on 16 December, the Chairman reported on the results of the deliberations by the Bureau of the COP on the schedule of meetings of Convention bodies. The Chairman recalled the wish of the AG13 to avoid overlapping of its sessions with those of the AGBM. The fourth session of the AG13 will be held from 25 to 28 February 1997 in Bonn, with a subsequent session to be organized within the period 28 July to 7 August 1997, also in Bonn.

E. Attendance

8. The lists of attendance at the third session of the AG13 are given in document FCCC/1996/INF.5.

F. Documentation

9 The documents before the AG13 at its third session are listed in annex I below.

III. DISCUSSION ON PROPOSALS BY PARTIES
(Agenda item 3)

10 A general discussion on proposals by Parties took place at the 1st meeting of the AG13 on 16 December 1996. Statements were made by representatives of 11 Parties, including one speaking on behalf of the Group of 77 and China, and one speaking on behalf of the European Union and its member States.

11 The Chairman introduced a list of possible elements for consideration by the AG13 in its study on all issues relating to the design of a multilateral consultative process, under the headings of the characteristics, functions, institutional arrangements and procedures for such a process. It was agreed that these elements would be a useful basis to organize the substantive deliberations of the Group during the session.

A. Scope of the proposed mechanism

1. Proceedings

12 The AG13 considered this matter at its 2nd and 3rd meetings on 16 and 17 December. Statements were made by representatives of 23 Parties, including one on behalf of the European Union and its member States.

2. Conclusions

13 The conclusions on this item appear below in paragraph 16.

B. Elements of the procedure

1. Proceedings

14 The AG13 considered this matter at its 4th meeting on 17 December. Statements were made by representatives of 19 Parties, including one on behalf of the European Union and its member States. In addition, a statement was made by an observer from a non-governmental organization.

2. Conclusions

15 The conclusions on this item appear below in paragraph 16.

IV. CONCLUSIONS ON ITEM 3

16. On the basis of a proposal from the Chairman, the AG13, at its 5th meeting on 18 December:

(a) Reiterated that the work of the Group, in its study on all issues relating to the establishment of a multilateral consultative process and its design, is to be within the framework set by Article 13 of the UNFCCC;

(b) Noted that the elements, listed in Annex II, are recorded without prejudice to any decision on the establishment of a multilateral consultative process. The elements, which at this stage reflect points raised rather than areas of convergence or divergence, will form a basis of further discussion by the Group at its fourth session;

(c) Invited Parties to submit any further proposals they may have, especially proposals on the elements listed in Annex II, and requested the secretariat to issue any such proposals received by 15 February 1997 in a miscellaneous document, in accordance with usual practice, so as to be available at the fourth session.

V. REPORT ON THE SESSION
(Agenda item 4)

17. At its 5th meeting, on 18 December, the Rapporteur presented the draft report of the session (FCCC/AG13/1996/L.1). The AG13 considered and adopted the document and also requested the Rapporteur, under the guidance of the Chairman and with the assistance of the secretariat, to complete the report, taking into account the discussions of the Group, the conclusions on agenda item 3 and the need for editorial adjustments.

18. The Chairman expressed his appreciation to the participants for their constructive cooperation and declared the third session of the AG13 closed.

Annex I

DOCUMENTS BEFORE THE AD HOC GROUP ON ARTICLE 13 AT ITS THIRD SESSION

Documents prepared for the session

FCCC/AG13/1996/3	Provisional agenda and annotations
FCCC/AG13/1996/L.1	Draft report of the Ad Hoc Group on Article 13 on its third session

Other documents for the session

FCCC/AG13/1996/1	Questionnaire on the establishment of a multilateral consultative process under Article 13: synthesis of responses
FCCC/AG13/1996/2	Report of the Ad Hoc Group on Article 13 on the work of its second session, held at Geneva on 10 July 1996
FCCC/AG13/1996/MISC.1 and Add.1	Responses to questionnaire relating to the establishment of a multilateral consultative process: submissions by Parties and non-parties
FCCC/AG13/1996/MISC.2 and Add.1	Responses to questionnaire relating to the establishment of a multilateral consultative process: submissions by intergovernmental and non-governmental bodies
FCCC/CP/1995/7 and Add.1	Report of the Conference of the Parties on its first session, held at Berlin from 28 March to 7 April 1995
FCCC/CP/1996/15 and Add.1	Report of the Conference of the Parties on its second session, held at Geneva from 8 to 19 July 1996

Other documents available at the session for reference purposes

A/AC.237/59	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13)

A/AC.237/MISC.46	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13): submissions from delegations relating to Article 13
FCCC/CP/1995/MISC.2	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13): a review of selected non-compliance, dispute resolution and implementation review procedures

Annex II

ELEMENTS

[1] Characteristics

How we propose to define the term "multilateral consultative process":

- nature (facilitative, cooperative, transparent, simple, non-confrontational, non-judicial, timely)
- objective (find solutions, provide assistance to Parties, promote compliance, promote understanding, prevent disputes from arising)
- expertise (address legal, economic, social, technical, environmental matters; exclude/include scientific and technological issues)
- application (optional, compulsory)
- evolution (stable, dynamic)

[2] Functions

How we propose to define the term "questions regarding implementation":

- advisory or supervisory (advice and support, assist implementation, review of compliance, promote compliance, "help desk")
- specific or general (performance of Parties, clarify interpretation, clarify questions)
- broad or narrow areas of competence (communications, obligations, issues)
- relationships (with other Convention bodies, processes and Articles; avoidance of duplication)

[3] Institutional arrangements

- establishment (new institution or existing bodies)
- nature - committee/panel (ad hoc/standing, rapporteur)
- mandate
- size - open ended/limited in size (equitable geographical representation, other bases)
- constitution - government representatives/experts (roster, representatives who are experts, representatives of SBI/SBSTA/IPCC; individual or official capacity)
- combination of the above (multilevel)

[4] **Procedures**

- which body would govern the process (COP, SBI, other)
- how would issues be taken up (Parties, SBI, COP, secretariat)
- what would be the result/outcome (recommendations to SBI/COP)
- frequency of deliberations
- how the process would be established (COP decision, amendment)